

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,            )  
  )  
                          v.                    ) Criminal No. 05-40021-FDS  
  )  
LEO BEATTY,                                )  
                          Defendant.        )

**MOTION FOR FINAL ORDER OF FORFEITURE**

The United States of America, by its Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves that this Court issue a Final Order of Forfeiture in the above-captioned case, pursuant Title 21, United States Code, Section 853, and Rule 32.2(b) of the Federal Rules of Criminal Procedure. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On or about April 21, 2005, a federal grand jury sitting in the District of Massachusetts returned a four count Indictment charging defendant Leo Beatty (the "Defendant") with Distribution of Cocaine Base and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts One through Four).

2. The Indictment also sought the forfeiture, upon conviction of the offenses alleged in Counts One through Four of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property

used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, including, but not limited to a 2002 Jeep Cherokee, bearing Massachusetts Registration 27DW02 (the "Jeep Cherokee").

3. On or about May 3, 2006, the Defendant pled guilty to all four counts of the Indictment.

4. On or about July 10, 2006, this Court issued a Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Defendant's interest in the Jeep Cherokee (see Document No. 40).

5. On or about July 25, 2006, August 1, 2006, and August 8, 2006, a Notice of Order of Forfeiture was published in The Boston Herald newspaper pursuant to 21 U.S.C. § 853(n) (see Docket Number 45).

6. To date, no claims of interest in the Jeep Cherokee have been filed with the Court and the time within which to do so has expired.

WHEREFORE, the United States respectfully requests that this Court enter a Final Order of Forfeiture against the Jeep Cherokee in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

BY: /s/Kristina E. Barclay  
LISA M. ASIAF  
KRISTINA E. BARCLAY  
Assistant U.S. Attorneys  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Date: October 4, 2006

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing Motion for Final Order of Forfeiture and the proposed Final Order of Forfeiture, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Kristina E. Barclay  
Kristina E. Barclay  
Assistant U.S. Attorney

Date: October 4, 2006

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 05-40021-FDS
	)	
LEO BEATTY,	)	
Defendant.	)	

**FINAL ORDER OF FORFEITURE**

**SAYLOR, D.J.,**

WHEREAS, on or about April 21, 2005, a federal grand jury sitting in the District of Massachusetts returned a four count Indictment charging the defendant Leo Beatty (the "Defendant") with Distribution of Cocaine Base and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts One through Four);

WHEREAS, the Indictment also sought the forfeiture, upon conviction of the offenses alleged in Counts One through Four of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, including, but not limited to a 2002 Jeep Cherokee, bearing Massachusetts Registration 27DW02 (the "Jeep Cherokee");

WHEREAS, on or about May 3, 2006, Beatty pled guilty to all four counts of the Indictment;

WHEREAS, on or about July 10, 2006, this Court issued a Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Defendant's interest in the Jeep Cherokee;

WHEREAS, on or about July 25, 2006, August 1, 2006, and August 8, 2006, a Notice of Order of Forfeiture was published in The Boston Herald Newspaper pursuant to 21 U.S.C. § 853(n); and

WHEREAS, to date, no other claims of interest in the Jeep Cherokee have been filed with the Court and the time within which to do so has expired.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Jeep Cherokee, and it is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853.

3. All other parties, having any right, title, or interest in the Jeep Cherokee, are hereby held in default.

4. The United States Marshals Service is hereby authorized to dispose of the Jeep Cherokee in accordance with applicable law.

DONE AND ORDERED in Worcester, Massachusetts, this \_\_\_\_\_  
day of \_\_\_\_\_, 2006.

Dated:

---

F. DENNIS SAYLOR IV  
United States District Judge